IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

MFA.No. 1279 of 2001(B)

WCC.10/2001 of W.C.C.,ERNAKULAM
.....

APPELLANT/2ND OPPOSITE PARTY:

NEW INDIA ASSURANCE CO. LTD., RAVIPURAM BRANCH, ERNAKULAM DISTRICT REP. BY THE ASST. ADMINISTRATIVE OFFICER, REGIONAL OFFICE, KOCHI.

BY ADV. SRI.RAJAN P.KALIYATH

RESPONDENTS/APPELLANTS & 1ST OPP. PARTY:

1. CHELLAN, S/O LATE SANKARAN, NOW RESIDING AT MADATHIL KUNNUMPURATHU HOUSE, SOUTH PAMPADY VILLAGE, KOTTAYAM TALUK, KOTTAYAM DIST. FROM KALLASSERIVILAI HOUSE, BLDG.NO. 7-73A, NADAIKAVU PANCHAYAT, METHUMMER KARA & VILLAGE, CHATHANKODU POST, VALIAVAMCODU TALUK, KANYAKUMARI DISTRICT, TAMIL NADU.

2. ROSAMMAL, W/O CHELLAN, DO. DO.

3. C.SHOBHA, D/O CHELLAN, DO. DO.

4. C.A.SCARIA, CHIRATHALATTU HOUSE, PALLOM POST, KOTTAYAM DISTRICT.

R4 BY ADV. SRI.JACOB THOMAS

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.8705/2001 IN MFA 1279/2001

DISMISSED

13.7.2007

SD/-J.B.KOSHY, JUDGE
SD/-K.P.BALACHANDRAN, JUDGE

/TRUE COPY/

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No. 1279 of 2001

JUDGMENT

Koshy, J.

An application for workmen compensation was filed by respondents 1 to 3 for the death of a workman, claiming that they were the dependants of the deceased. The Commissioner directed the Insurance Company to deposit the amount with interest. When notice was received by the Insurance Company, on the first day of the posting itself it has deposited the amount. In the insurance policy concerned, there was a specific clause that any interest or penalty imposed on the insured on account of his failure to comply with the requirements, the Insurance Company will not be liable to pay interest. Therefore, the Insurance Company cannot be directed to pay interest on the compensation amount.

In the above circumstances, we allow the appeal and the direction to pay interest by the Insurance Company is set aside. Interest, if any, deposited shall be refunded to the appellant.

(J.B.Koshy, Judge)

13th July, 2007

(K.P.Balachandran, Judge)

tkv

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No.1279 of 2001

JUDGMENT

13th July, 2007